

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
TERRE HAUTE DIVISION

BOARD OF TRUSTEES OF THE INDIANA	)	
LABORERS WELFARE FUND,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 2:18-cv-00463-JPH-MJD
	)	
JENNIFER VAN DALSEN,	)	
	)	
Defendant.	)	

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Magistrate Judge Mark J. Dinsmore has entered a Report and Recommendation recommending that the Court deny Defendant's Motion to Dismiss, which Magistrate Judge Dinsmore construed as a motion for judgment on the pleadings. Dkt. 27.

Defendant responded to the Report and Recommendation, stating that she has not received the documents that she requested in Discovery. Dkt. 28. As Magistrate Judge Dinsmore explained, requests for information or documents are part of the discovery process and do not affect whether Plaintiff has properly pled a claim. Dkt. 27 at 2.

The Court has considered and now **ADOPTS** the Report and Recommendation. Dkt. [27]. Defendant's Motion to Dismiss is **DENIED**. Dkt. [19].

**SO ORDERED.**

Date: 1/3/2020

James Patrick Hanlon

James Patrick Hanlon  
United States District Judge  
Southern District of Indiana

Distribution:

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